



## PACIFIC WOOD TREATING CORPORATION

August 16, 1984

POLLUTION CONTROL HEARINGS BOARD  
Mail Stop PY-21  
Olympia, WA 98504



Re: Order No. DE 84-421

Gentlemen:

Your Order states in part that we are subject to a civil penalty of up to \$10,000 per day and a suspension of all our permits for failure to comply with your Order by August 15, 1984.

Your cover letter also states that we may appeal the Order within 30 days from July 20, 1984, the date of receipt of your order.

It is the purpose of this letter to make such an appeal in order to avoid any fines or penalties and to seek assistance in furnishing the "paperwork items" referred to in the Order which may be missing from our previously submitted reports.

Your Order contains the following instructions:

1. "By August 15, 1984, PWT shall submit to the DOE SWRO an approvable closure plan and cost estimate."

Our Comments:

- a. PWT understood and still believes that not only has the work been completed but all paperwork has been submitted and approved.
- b. That all work and paperwork was done precisely and exactly in accordance with your regulations and with full knowledge and assistance of the Department of Ecology, the Environmental Protection Agency, Sweet/Edwards and Associates Engineering Consultants, and Patrick H. Wicks, P.E., Waste Management Consultant.
- c. We believe the reason for the issuance of the

Order is because of a paperwork deficiency in your office, not in ours.

- d. PWT's only failure was through a misunderstanding of priorities in doing what they were being told to do by the DOE/EPA/Sweet, Edwards Engineering Consultants/Pat H. Wicks Waste Management Consultants -- not realizing that PWT was supposed to write down what they were being told to do by the DOE/EPA and submitting it back to the DOE/EPA for their approval. PWT inadvertently assumed it was more important to do what they were being told to do rather than first formalizing it in a plan and submitting it back to the people who were telling them what to do.
  - e. PWT has never knowingly failed to follow the recommendations of the DOE/EPA. Since the beginning, and continuing today, PWT has been Number One in the wood preserving industry in pollution control in the Pacific Northwest and very possibly in the United States. It is our belief that this can be attested to by members of the DOE/EPA.
2. (Your second instruction). "If waste is left on site, a post-closure plan must also be submitted by August 15, 1984."

Our Comment:

Waste is not now and never has been "stored" on site. Contrary to most similar operations, PWT used the residue from the treating process as a source of energy. The ash from the incineration was accumulated in small quantities and hauled to a land fill -- all in accordance with all regulations and knowledge of the EPA/DOE. Enclosed is a copy of the cover page of a 200 page report (1981) by the EPA on a study of wood preserving residues including the incineration at PWT. This was a study conducted by Accurex Corp. for the EPA for which we volunteered our facilities. Part of that report states:

"The destruction of wood preserving waste by co-firing and boilers can be accomplished with minimal environmental impacts. It is recommended that industry pursue such disposal."

3. (Your third instruction). "The plan shall address closure of the waste wood boiler and storage waste pile. EPA generated guidance is enclosed."

Our Comments:

- a. This may be the source of some confusion. PWT did not discontinue the use nor close the waste wood boiler. Closure of the waste wood boiler was never considered by EPA/DOE/PWT.

Cessation of incineration of residue from the wood preserving process was determined to be in the best interests of PWT because occasionally the ash contained trace amounts of arsenic and made disposal of the ash a problem.

- b. When we determined that it was to our best interests to stop burning the residue from the treating process, we did not file a closure plan, we simply stopped.
- c. It was at this point that we were advised that we could not simply stop incineration of the residue -- we had to tear up the pipes and pumps and ship them to a waste disposal site. Even though these pipes and pumps could be used in the treating process, we had to cut up the pipe and dispose of the pumps at a regulated waste disposal site.
- d. We had to rebrick the firebox in a furnace that burns at 2,000 degrees because it once burned minute portions of arsenic. Ash was removed to the waste disposal site. Two feet of ground where the ash was piled waiting for removal to a disposal area was also moved to an approved waste disposal site.

An Important Point. We did not store the residue from the treating process in/on the ground as does many other treating plants. We accumulated small quantities of the ash from the incineration. This accumulation was for several days (days -- not weeks, not months, not years, but several days). The trace amounts of arsenic that "occasionally" appeared in the ash was apparently sufficient to cause the ash to be considered hazardous. This hazardous material was hauled to a land fill which was subsequently closed under a separate closure plan and is not involved with this report.

Our "paperwork problem" may be best understood by a capsulized review of the history of PWT.

1. PWT was built in 1964 and as such is the newest major treating plant on the West Coast. The plant was built on Port property adjacent to Lake River and surrounded on two sides by a game refuge belonging to the U.S. Fish and Wildlife Service, and on two sides by the City of Ridgefield. The city limits extends into our plant. Consequently, from the beginning, we were under the continued surveillance of the City Fathers, Clark County, the Port of Ridgefield, the U.S. Coast Guard, the U.S. Bureau of Fish and Wildlife Service, SWAPCA, EPA and DOE. From the beginning, we were conscious of our environment and operated with a zero discharge system.
2. Because of the high BTU content of the residue from the wood preserving process, we designed a boiler system to convert this residue to energy. At the time, this was the "state of the art" and recommended procedure for disposal of wood preserving residue. This system was designed and operated to comply with all the regulations of all the regulatory agencies including SWAPCA, EPA and DOE. We voluntarily submitted our plant to a study by the EPA, Cincinnati office. The ash from the waste wood boiler system was hauled to a land fill with the full knowledge of the city, county, EPA and DOE. Your report states that it was "unpermitted". It was "unpermitted" only because PWT did not know that the land fill required a separate filing. PWT reported the land fill under the plant report. Because it was off-premises, it required a separate filing and, therefore, technically became an unpermitted land fill.
3. Because the ash from our waste wood boiler system occasionally contained trace portions of arsenic due to the occasional incineration of minute amounts of CCA residue, it was determined that we would stop burning residue from the wood preserving process and stop hauling the ash to the land fill site.
4. This land fill site, known to DOE, EPA and others as the RBT site (Ridgefield Brick and Tile), was closed under a separate closure plan with the DOE/EPA. The RBT site has been closed and certified closed separate from the PWT operation.
5. In 1983, PWT discontinued burning residue from the treating process in our boiler system. We were ad-

vised by EPA/DOE/Sweet, Edwards and Associates (our consulting Engineers), and Patrick H. Wicks, P.E. (our Waste Management Consultant) all steps necessary to "legally" stop burning residue in our waste wood boiler system.

6. On or about February 29, 1984, PWT, at the request of the DOE/EPA submitted a "plan" covering what had already been accomplished at the plant site in accordance with the recommendations of the DOE/EPA/Sweet, Edwards and Associates and Patrick H. Wicks.
7. On June 12 and 13, 1984, we reviewed the RBT site and the PWT plant site with representatives from EPA/DOE in a two day inspection of our plant facilities and records. During this two day examination, we did not receive a single, serious complaint and nothing about our "closure plan" being inadequate. Our closure plan was discussed in detail and we were led to believe that our plan was more than adequate. We were under the impression that the EPA/DOE was delighted that the work had all been done.
8. The next step in the scenario is that we received an order threatening \$10,000 per day fines and withdrawal of all our permits if we didn't submit a plan for a procedure that had already been accomplished and for which a plan prepared by PWT, Sweet, Edwards and Associates Consulting Engineers, and Patrick H. Wicks, P.E., Waste Management Consultant had been submitted, reviewed, and apparently found to be adequate and in accordance with the EPA/DOE recommendations.

#### Conclusions:

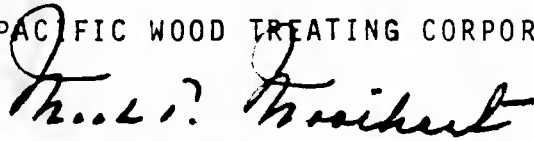
1. We believe that PWT has complied with every request, every regulation, every order of the DOE/EPA. We find it incredible and unconscionable that we would be threatened with \$10,000 per day fines and withdrawal of all our permits because of an alleged "paperwork" deficiency that we do not believe exists.
2. Again, the purpose of this letter is to allow us time to clear up any paperwork deficiencies that may exist without incurring fines or penalties. To this time, we have had an acceptable, workable and at times even pleasant relationship with the DOE/EPA. We find it difficult to understand the use of such threatening orders for what you state to be "paperwork deficiencies". The entire matter smacks of election year

politics and headline sensationalism. I had hoped  
that we had risen above this in our relationship  
with the DOE.

We solicit your continued cooperation and await your advice re-  
garding this matter.

Cordially,

PACIFIC WOOD TREATING CORPORATION



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attachment

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